NOTIFICATIONS.

No. L. 8572—C.M. 30-51-2, dated Bangalore, 10th November 1951.

In pursuance of clause (a) of Section 366 of the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act No. LXIX of 1949) as amended from time to time, the draft of the following Notification amending the rules issued under Section 68 of the said Act, is hereby published:—

DRAFT NOTIFICATION

In exercise of the powers conferred by Section 68 of the City of Bangalore Municipal Corporation Act, 1949, (Mysore Act LXIX of 1949), His Highness the Maharaja of Mysore is pleased to direct that the following amendment shall be made in the rules regulating the procedure with regard to the election of the divisional councillors of the Corporation of the City of Bangalore and of the Councillors to fill the seats specially reserved for labour, issued in Notification No. L. 8030—CM. 57-49-9, dated the 28th January 1950, namely:—

For the first sentence occurring in sub-rule (6) of rule 27 of the said rules, the following sentence shall be substituted, namely:—

"The Commissioner shall immediately institute such inquiries as may be necessary and shall take steps in accordance with Section 196 of the Code of Criminal Procedure, 1898, to prosecute the persons whom he believes to be guilty of the offence of personation."

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

No. L. 8606—Ml. 150-51-3, Bangalore, dated the 12th November 1951.

In exercise of the powers conferred by Sections 23(2) and (3) and 208 of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951) and in supersession of the Rules made in Notification No. L. 3055—Ml. 207-27-1, dated the 26th November 1927, His Highness the

Maharaja of Mysore is pleased to make the following rules for regulating the election to the offices of President and Vice-President of a Town Municipal Council, namely :—

1. (1) The election of the President or the Vice-President shall be held in the Municipal Office by the Councillors at a meeting specially convened for the purpose.

(2) Such meeting shall be convened as soon as possible after the occurrence of the vacancy :—

(a) in the case of the election of the President—

(i) in the case referred to in sub-section (5) of Section 23, by the officer specified in the said sub-section; and

(ii) by the Vice-President in other cases; and

(b) in the case of election of the Vice-President, by the President.

Notice of the day and hour of meeting shall be given at least fifteen clear days previous to the day of meeting.

(3) Such meeting shall be presided over—

(a) If held for the election of the President,

(i) in the case referred to in sub-section (5) of Section 23, by the officer specified in the said sub-section;

(ii) in other cases by the Vice-President, or if the Vice-President himself intends to stand as a candidate at the election or in his absence, by a Councillor, not intending to stand as a candidate at the election, chosen by the meeting to preside for the occasion; and

(b) If held for the election of the Vice-President by the President, or in his absence, by a Councillor, not intending to stand as a candidate at the election, chosen by the meeting to preside for the occasion.

2. Every candidate who wishes to stand for election to the Office of the President shall fill up a nomination paper in Form 'A' annexed to these rules, signed by the proposer and seconder and subscribed by him as assenting to the nomination and deliver the same to the person convening the meeting under Rule I (2) *supra*, five days before the date of the meeting at which the election is to take place.

3. The names of the candidates shall be notified at the Municipal Office Notice Board at least three days before the day fixed for the holding of the election.

4. Any candidate may withdraw his candidature by notice in writing delivered to the presiding authority before the election has commenced. Once a candidate has withdrawn his candidature, he shall not be allowed to cancel such withdrawal.

5. The following procedure shall be adopted in conducting the election :—

(i) If there is only one candidate duly nominated, there shall be no ballot and he shall be declared to have been elected.

(ii) If there are two or more candidates, votes of the Councillors present shall be taken by ballot.

(iii) At the place set apart for voting, the presiding authority shall provide a ballot box which shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being opened.

(iv) The presiding authority shall, immediately before the votes are taken, show the ballot box empty to such of the Councillors as may be present so that they may see that it is empty and shall then lock it up and place his seal upon it in such a manner as to prevent its being opened without breaking such seal.

(v) Every Councillor wishing to vote shall be supplied with a voting paper as in Form 'B' bearing the seal of the Municipal Council, on which the names of all the candidates shall be printed or typed or written in English or Kannada. The voter shall then proceed to the place set apart for the purpose and there place a mark (X) against the name of the candidate for whom he wishes to vote. He shall then fold up the voting paper so as to conceal his vote and deposit the same in the ballot box.

(vi) The presiding authority shall cause such arrangements to be made as will prevent the Councillors who have already voted from having access to the Councillors who are yet to vote.

(vii) The presiding authority shall then open, in the presence of the Councillors present, the ballot box, take out the ballot papers therefrom, count them, and

record the number thereof in a statement. A ballot paper shall be rejected if it :—

(*a*) bears any mark by which the voter can be identified, or

(*b*) does not bear the official stamp prescribed in sub-rule (v).

(*c*) contains the mark (X) against more than one name or the mark placed in an ambiguous manner.

The presiding authority shall then declare the results in accordance with the following instructions :—

(i) if there are only two candidates, the one who secures the larger number of votes shall be declared to have been elected. In the event of there being an equality of votes between the two candidates, the person presiding at the meeting shall draw lots in the presence of the Councillors and the candidate whose name is first drawn shall be declared to have been duly elected.

(ii) If there are more than two candidates, the one who obtains the smallest number of votes shall be eliminated and the votes taken again. If there is an equality of votes among all the candidates, or if two or more candidates lowest on the list have obtained an equal number of votes, the presiding authority shall ascertain by drawing lots in the presence of Councillors which of such candidates shall be eliminated. The elimination shall be repeated until two candidates only are left, when votes shall be taken for the last time and the candidate, who secures the larger number of votes shall be declared to have been elected. In the event of there being an equality of votes at the final stage between the two remaining candidates, the presiding authority shall draw lots in the persence of the Councillors and the candidate whose name is first drawn shall be declared to have been duly elected.

7. Immediately after the meeting, the presiding authority shall :—

(*a*) Prepare a record of the proceedings at the meeting and sign it, attesting with his initials every correction made therein ; and also permit any member present at the meeting to affix his signature to such record, if he expresses his desire to do so ; and

(*b*) forward the name of the person elected as the President or Vice-President to the Commissioner for

Local Self-Government in Mysore through the Deputy Commissioner of the District, for being submitted to Government for publication in the *Mysore Gazette*.

8. (1) The presiding authority shall then make up into separate packets the ballot papers relating to each candidate, whether counted or rejected, seal up each packet and note thereon a description of its contents, the election to which it relates and the date thereof.

(2) These packets shall not be opened, and their contents shall not be inspected or produced except on an enquiry under Rule 11.

(3) The packets shall be retained in safe custody in the Municipal Office for one year and shall then, unless otherwise directed by the orders of a competent authority, be destroyed.

9. The President thus elected shall enter upon his duties forthwith in case there is no elected President, and after the expiry of the term of the elected President in office in other cases. The same rule applies also to the Vice-President so elected.

10. The validity of the election may be contested within seven days from the date of election by an appeal signed by at least three Councillors and filed before the Deputy Commissioner and shall allege specific grounds for setting aside the election.

11. Upon receipt of such petition, an enquiry into the validity of such objection or objections shall be held by the Deputy Commissioner or other officer appointed for the purpose, and upon the conclusion of the enquiry, the Deputy Commissioner shall report the proceedings together with his opinion to Government through the Commissioner for Local-Self Government. It will thereupon be open to Government to pass orders declaring the election to be invalid.

FORM 'A'

TOWN MUNICIPAL COUNCIL OF.....

Nomination for the Office of the President/Vice-President Town Municipal Council.....

We the undersigned, nominate.....as a candidate for the Office of the President/Vice-President.....

.....

1. Signature of proposer.....
2. Signature of seconder.....

Date.....

I hereby declare that I agree to this nomination.

Date..... .....

Signature of the candidate.

FORM 'B'

TOWN MUNICIPAL COUNCIL OF .....

Ballot paper for the election to the Office of the President/Vice-President, Town Municipal Council..... to be held on.....

COUNTERFOIL	FOIL		
Sl. No.....	Sl. No.	Name of the candidate	Voter's Mark

N.B.—1. Place a cross mark thus (X) against the candidate for whom you wish to vote.

2. The mark should be placed against only one name.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.